



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

May 30, 2019

In Reply Refer To: 001B
FOIA Request: 18-09137-F

Mr. Jasper Craven
MuckRock News
DEPT MR 54616
411A Highland Ave
Somerville, MA 02144
56390-16180818@requests.muckrock.com

Dear Mr. Craven:

This is the Initial Agency Decision (IAD) to your Freedom of Information Act (FOIA) request to the Department of Veterans Affairs (VA) dated June 19, 2018. Your request was referred to and received by the VA Office of the Secretary (OSVA) on June 19, 2018. You requested a copy of "All partnership details—including copies of draft and final contracts and email communication between stakeholders (Steve Cohen, David Shulkin and other VA leadership, Anthony Hassan) – for two recently inked partnerships with the Cohen Veterans Network (detailed here: <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=4017>) and another for Cohen Veterans Bioscience (detailed here: <https://www.cohenveteransbioscience.org/2017/05/17/cohen-veterans-bioscience-and-the-veterans-health-administration-announce-landmark-partnership-to-advance-the-diagnosis-and-treatment-of-trauma-related-brain-disorders/>) Records searched should be between Jan. 1, 2017 and May 27, 2017." Your request is assigned FOIA tracking number **18-09137-F**.

For this IAD, we searched David Shulkin's emails and the Secretary's Center for Strategic Partnerships from January 1, 2017 through May 27, 2017. During this search we located 14 pages responsive to your request. I have determined that 6 pages are fully releasable and 8 pages are partially releasable to 5 U.S.C. §§ 552(b)(5) and (b), FOIA Exemptions 5 and 6.

5 U.S.C. § 552(b)(5) exempts from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." The government is entitled to redact confidential government information given "the sensitivity of the commercial secrets involved, and the harm that would be inflicted upon the Government by premature disclosure." Federal Open Market Committee v. Merrill, 443 U.S. 340, 363 (1979). Redacted information includes VA electronic mail server code usernames. The release of this information would expose the VA, its employees, and its contractors to potential hacking and information technology security liabilities and risks. Releasing even a single VA username reveals the pattern to ascertain VA usernames that VA employees use to log into VA Systems of Records; releasing VA usernames exposes the VA, its employees, and its contractors to potential hacking and information technology security liabilities and risks.

5 U.S.C. § 552(b)(6) exempts from required disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." "Withholding a telephone number or e-mail address, alone, is not sufficient to protect

that [privacy] interest; alternate means of contacting and harassing these employees would be readily discoverable on the Internet if this court ordered their names disclosed." Long v. Immigration & Customs Enf't, 2017 U.S. Dist. LEXIS 160719 (D.C. Cir. 2017). Information withheld consists of names, phone or facsimile numbers, and email addresses of VA employees who are not Senior Executives and VA consultants. Disclosure could expose employees to forgery, fraud, identity theft, and harassment. The redacted information reveals nothing about how the agency performs its statutory duties.

FOIA Mediation

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. Under the provisions of the FOIA Improvement Act of 2016, the following contact information is provided to assist FOIA requesters in resolving disputes:

VA Central Office FOIA Public Liaison:

Name: Doloras Johnson
Email Address: vacofoiaservice@va.gov

Office of Government Information Services (OGIS)

Email Address: ogis@nara.gov
Fax: 202-741-5769
Mailing address:
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

FOIA Appeal

This concludes OSVA's IAD to request **18-09317-F**. Please be advised that should you desire to do so, you may appeal the determination made in this response to:

Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

If you should choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis for your disagreement with the determination set forth in this response. Please be advised that in accordance with VA's implementing FOIA regulations at 38 C.F.R. § 1.559, your appeal must be postmarked no later than ninety (90) days of the date of this letter.

Sincerely,

Ruthann Parise
OSVA FOIA Officer

Attachments – Releasable Records (14 pages)